

## **REMARKS**

In the Restriction Requirement, the Examiner requires the application to be restricted to one of the following inventions:

- Group I: claims 1-21, 35, and 36, drawn to an apparatus.
- Group II: claims 22-34, and 37, drawn to a process and product made by the process.

Applicant elects Group I, claims 1-21, 35, and 36, with traverse, respectfully traversing the Restriction requirement for the reasons set forth below.

The Examiner reasons that Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical feature. Specifically, Group II relies upon the atomizing agent to be in the form of a jet and the solution or suspension to be in the form of a liquid jet which meet each other at a maximum angle of 150°, while the device of Group I has no such requirements.

PCT Rule 13.2 states:

“the requirement of unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features.”

Thus, only one corresponding special technical feature is needed to fulfill PCT Rule 13.1, the requirement for unity of invention. Applicant submits that claims 1 and 22 share multiple corresponding special technical features.

First, claim 1 and 22 share a special technical feature involving a mixing angle. Importantly, claim 1 states:

“which first and second conduit means meet each other at the mixing means at an angle of at least 30°”.

This limitation shares commonality with the claim 22 limitation stating:

“such that they meet each other in the mixing area at an angle in the range of 30° to 150°”.

Second, both claims 1 and 22 share a special technical feature involving the adjustable nature of an interspace defining a mixing area. Importantly, claim 1 states:

“wherein the device comprises a first part having a first wall and a second part having a second wall, the walls forming an interspace between each other, said mixing means being formed by said interspace and at least on of said walls is movable such that a width of said interspace is adjustable.”

This limitation is contained in claim 22. Importantly claim 22 states:

“wherein said jets are supplied to a mixing area formed by an interspace located between a first wall on a first part of a device and a second wall of a second part of the device and wherein the width of said interspace is adjustable.”

Thus, the two claims do not lack the same or corresponding technical features. Likewise, the two groups of claims are, in fact, so linked as to form a single general inventive concept under PCT Rule 13.1

For at least this reason, the Restriction requirement is traversed, and removal of the requirement is respectfully requested. Additionally, appended to this response is a copy of the PCT International Preliminary Report on Patentability issued in the corresponding International Application showing a lack of unity of invention was not found.

Applicant submits that such election is fully responsive to the Restriction requirement dated February 26, 2009. Applicant hereby petitions for any extension of time required under 37 CFR 1.136 for entry and consideration of this reply. Any fees due with respect to this reply or otherwise concerning this application are to be charged to Deposit Account 06-1130 maintained by Applicant's attorneys. The Examiner is invited to contact Applicant's attorneys at the below-listed telephone number regarding this reply or otherwise concerning the instant application.

Respectfully submitted,

CANTOR COLBURN, LLP

By: /Daniel F. Drexler/  
Daniel F. Drexler  
Registration No.: 47535  
Cantor Colburn LLP  
1800 Diagonal Road, Suite 510  
Alexandria, VA 22314  
Telephone: (703) 236-4500  
Facsimile: (703) 236-4501  
Customer No. 23413

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